

REMARKS

Applicants respectfully request a three months extension and grant of the petition to revive the unintentionally abandoned application. The three months extension fee and the petition fee are to be charged to the undersigned Attorney's Deposit Account 10-0100. Should a credit or additional fees be associated with the filing of this paper the credit or additional fees can be credited or charged to the undersigned Attorney's Deposit Account 10-0100.

Claims 1-5 are cancelled.

Claims 6-11 are added in lieu of claims 1-4.

Claims 6-11 overcome and or obviate the rejections under 35 USC § 101 and 35 USC § 112.

Support for claims 10-11 is found at e.g. Example I and FIG. 1.

Claims 1-4 stand rejected under 35 USC § 103(a) as allegedly being unpatentable over Costanza (US 6,323,219).

The art rejection is respectfully traversed.

The "°" symbol is understood in some countries in Europe and Latin America as an alcohol concentration unit of measure, and sometimes expressed as "degrees Gay-Lussac".

It is alleged that Costanzo, at col. 35, lines 57-66 and col. 36, lines 5-9, discloses the efficacy of L-proline to stimulate melanin. Costanzo instead discloses a complex structural formula I wherein the A component includes any one of a plethora of diverse radicals and substituents (see col. 4, line 51 et seq.). Included in this plethora of substituents are a host of diverse amino radicals (see

cols. 35-36). The Office Action dissects formula I and extrapolates component A. This dissection of formula I and extrapolation of component A is not a disclosure of L-proline per se efficacy as taught solely by present applicants.

Costanzo treats vitiligo patients with melanin. This is not the L-proline treatment teaching, but rather teaches away from L-proline.

Further, the present specification instructs that L-proline is not a common or true amino acid, but rather an imino acid because the NH group is compromised with adjacent carbons.

Costanzo at col. 36, line 9 merely mentions L-proline as a "phenylalanine" radical sub-component and only in combination with a second amino acid to form the A component of the formula I. This is a clear teaching away from L-proline per se as a melanin stimulant.

Still further, Costanzo is principally directed to treating an inflammatory disorder. See e.g. claims 1-2, that extend from col. 42 into col. 47, and the term "proline" is defined only as a part of a two amino acid complex. This disclosure, such as it is, is buried and found in dependent claim 2 at col. 46, line 53, and the term "L-proline" is buried and found in claim 2 at col. 46, line 62. This shotgun recitation of a plethora of radicals and substituents of formula I and particularly the two amino acid combination substituent of component A to treat inflammatory diseases does not teach or disclose and far removed from L-proline per se melanin stimulation.

The unexpected efficacy of L-proline per se to treat vitiligo is only found in the present specification.

An early notice of allowability is respectfully requested.

Respectfully submitted,

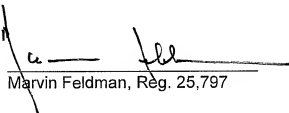
LACKENBACH SIEGEL, LLP

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Enclosure: Petition to Revive


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